

FINANCE — C.S.S.B. 681, C.S.S.B. 795

JURISPRUDENCE — H.B. 424, S.B. 518, S.B. 328, S.B. 721, S.B. 791, S.B. 777, C.S.S.B. 680, C.S.S.B. 722, S.B. 790, C.S.S.B. 779, C.S.S.B. 386

HEALTH AND HUMAN SERVICES — S.B. 990, S.B. 1117, S.B. 1118

ECONOMIC DEVELOPMENT — C.S.S.B. 1075, S.B. 605, S.B. 1071, C.S.S.B. 421, S.B. 1222, S.B. 420, S.B. 1223, S.B. 1224, S.B. 513

FORTY-FIRST DAY

(Wednesday, March 31, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend David C. Penticuff, Vicar, St. Peter's Episcopal Church, Lago Vista, offered the invocation as follows:

O God of infinite grace and mercy, as we invoke Your presence upon the Texas Senate, we know You are always with us; it is we who need to open ourselves to You. Even as we ask You to lead us into all truth and justice, we know full well that You always lead us in these matters, and it is we who need to open our minds to truth, our hearts to justice. So it is, Lord, we pray today that all here present will be open unto You, that, inspired by love and truth and equity, they may add to the brotherhood of Your creation as they wrestle with the needs of the people of Texas. Amen.

On motion of Senator Brown and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 254

On motion of Senator Turner and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 254.

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

S.B. 121	S.B. 120
S.B. 394	S.B. 341
S.B. 372	S.C.R. 63
S.B. 92	

MESSAGE FROM THE HOUSE

House Chamber
March 31, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 18, Relating to the renunciation defense to the prosecution of the offense of engaging in organized criminal activity.

H.B. 156, Relating to the adoption of the Uniform Condominium Act.

H.B. 247, Relating to the notification of certain statewide and national criminal information systems when a warrant is issued for a juvenile.

H.B. 384, Relating to the authority of a municipality to adopt an additional sales and use tax.

H.B. 538, Relating to the deferral of the final disposition of certain criminal complaints.

H.B. 640, Relating to an emergency appropriation to the Texas Forest Service to replace equipment and facilities destroyed by fire.

H.B. 643, Relating to the authority of a municipality or county to set reasonable financial criteria for a surety company that provides a payment or performance bond.

H.B. 842, Relating to fire prevention and fire-fighting support activities of the Texas Forest Service.

H.B. 901, Relating to changes in plans, specifications, or proposals pertaining to contracts made by counties.

H.B. 1074, Relating to the authority of navigation districts and port authorities to establish financial criteria for surety companies that provide performance or payment bonds.

H.B. 2297, Relating to cities that may incorporate certain industrial development corporations and projects of those corporations.

H.B. 1274, Relating to the enforcement of certain agreements between the parties to a marriage.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1324	S.B. 1328
S.B. 1325	S.B. 1329
S.B. 1326	S.B. 1330
S.B. 1327	S.B. 1331

CAPITOL PHYSICIAN

Senator Armbrister was recognized and presented Dr. Harold R. High of Cuero as the "Doctor for the Day."

The Senate welcomed Dr. High and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

H.C.R. 23 to Committee on Administration.
H.B. 45 to Committee on Education.
H.B. 49 to Committee on Jurisprudence.
H.B. 71 to Committee on Finance.
H.B. 81 to Committee on Health and Human Services.
H.B. 109 to Committee on Jurisprudence.
H.B. 126 to Committee on Intergovernmental Relations.
H.B. 176 to Committee on State Affairs.
H.B. 200 to Committee on Intergovernmental Relations.
H.B. 208 to Committee on Jurisprudence.
H.B. 238 to Committee on Jurisprudence.
H.B. 298 to Committee on Intergovernmental Relations.
H.B. 345 to Committee on Natural Resources.
H.B. 409 to Committee on State Affairs.
H.B. 474 to Committee on Economic Development.
H.B. 478 to Committee on State Affairs.
H.B. 479 to Committee on State Affairs.
H.B. 616 to Committee on Health and Human Services.
H.B. 629 to Committee on State Affairs.
H.B. 630 to Committee on State Affairs.
H.B. 721 to Committee on Intergovernmental Relations.
H.B. 753 to Committee on Jurisprudence.
H.B. 811 to Committee on Intergovernmental Relations.
H.B. 840 to Committee on Economic Development.
H.B. 945 to Committee on State Affairs.
H.B. 953 to Committee on Jurisprudence.
H.B. 961 to Committee of the Whole Senate on Redistricting,
Ethics and Elections, Subcommittee on Elections and Ethics.
H.B. 966 to Committee on Intergovernmental Relations.
H.B. 974 to Committee on Jurisprudence.
H.B. 1076 to Committee on Economic Development.
H.B. 1170 to Committee on Economic Development.
H.B. 1211 to Committee on Intergovernmental Relations.

H.B. 1218 to Committee on Jurisprudence.

H.B. 1270 to Committee on Finance.

H.B. 1388 to Committee on Economic Development.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 1324 by Bivins Education
Relating to the exemption of certain students from the Texas academic skills program.

S.B. 1325 by Parker Natural Resources
Relating to the creation, administration, powers, including taxing powers, duties, operations, financing, and dissolution of the Town Center Improvement District of Montgomery County, Texas, and the power of certain entities to contract with the district.

S.B. 1326 by Parker Natural Resources
Relating to the creation, administration, powers, and authority of the Chambers County Improvement District No. 1.

S.B. 1327 by Parker Natural Resources
Relating to the ability of the Texas Water Development Board to obtain insurance and exempting Texas Water Development Board members and employees from personal liability relating to board business.

S.B. 1328 by Nelson Jurisprudence
Relating to jurisdiction, operation, and administration of certain county courts in Denton County.

S.B. 1329 by Parker Criminal Justice
Relating to the administration of county jails.

S.B. 1330 by Bivins Finance
Relating to the payment of ad valorem taxes.

S.B. 1331 by Turner Finance
Relating to the imposition of a cost on criminal convictions to fund operations of the George J. Beto Criminal Justice Center at Sam Houston State University.

GUEST PRESENTED

The President introduced to the Senate a former member of the Texas Senate, the Honorable Peyton McKnight, Jr., of Tyler.

The Senate welcomed Senator McKnight.

SENATE RESOLUTION 518

Senator Ratliff offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize Louise Floyd Meyers, Leona Floyd Popp, and the late William Floyd, children of the late State Senator Charles R. Floyd, for their generous donation to The University of Texas at Austin; and

WHEREAS, A family whose roots lie deep in Texas history and Texas government, they have long been enthusiastic supporters of The University of Texas and higher education in our state; and

WHEREAS, In continuing with that tradition, they have generously offered The University of Texas at Austin a rare book that represents a significant development in Texas history, Senate Journal, 1917, which contains the "Record of Proceedings of the High Court of Impeachment on the Trial of Honorable James E. Ferguson, Governor"; the governor's impeachment led directly to the rise of William P. Hobby, Sr., to the Office of Governor; and

WHEREAS, A Paris Democrat who served Red River and Lamar counties in the Texas Senate from 1917 through 1929 Senator Floyd ably served the needs of his constituency with great dedication; his family points with pride to his contributions to the development of the junior college system and state highway system; and

WHEREAS, During his distinguished tenure, Senator Floyd ardently supported causes on behalf of The University of Texas; and

WHEREAS, One of his most outstanding accomplishments was the passage of a key bill in 1927 that allowed for the exemption from property taxes of a bequest by the late W. J. McDonald for an observatory in Texas; and

WHEREAS, It was this legislation that enabled the state to construct a research laboratory of the highest quality, the famous McDonald Observatory; and

WHEREAS, "The Record of Proceedings of the High Court of Impeachment on the Trial of Honorable James E. Ferguson, Governor" chronicles one of the most important proceedings of Texas government; it is alleged that this notable event was due in part to Governor Ferguson's feud with The University of Texas at Austin; and

WHEREAS, The impeachment proceedings and the aftermath were witnessed by Senator Floyd, and Senate Journal, 1917 includes accounts of the Senator's activities during his first term in office and during these significant developments in Texas history; and

WHEREAS, In donating Senate Journal, 1917, the Floyd family is helping to preserve an important chapter of Texas history and is making it available to countless students of government and history; and

WHEREAS, Proud of their grandfather's role in the development of the Lone Star State are Mary Padgett of Austin, Texas, and Richard Floyd, David Floyd, Sandra Oyler, and Bill Floyd of Paris, Texas; and

WHEREAS, Special guests at the book presentation will be his daughter, Louise Floyd Meyers, granddaughter, Mary Padgett, and great-grandchildren, Melissa Padgett and Chris Padgett; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby express appreciation to Louise Floyd Meyers, Leona Floyd Popp, and the late William Floyd for their exceptional donation to The University of Texas at Austin and for the family's many valuable contributions to the university and to the state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the family as an expression of high regard from the Texas Senate.

The resolution was previously read and adopted on Tuesday, March 30, 1993.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

(Senator Harris of Dallas in Chair)

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate Louise Floyd Meyers, an employee of the Texas Senate, and other members of the Floyd family.

The Senate welcomed its guests.

Senator Ratliff then escorted his guests to the President's rostrum to receive an enrolled copy of S.R. 518.

(President in Chair)

SENATE RESOLUTION 526

Senator Luna offered the following resolution:

WHEREAS, Norma V. Cantu of San Antonio was recently selected by President Clinton to be assistant secretary for civil rights at the Education Department in Washington, D.C., and the Texas Senate is pleased to congratulate her on this significant honor; and

WHEREAS, Southwestern regional counsel for the Mexican American Legal Defense and Educational Fund in San Antonio, Norma Cantu is highly qualified for the leadership role for which she has been chosen; and

WHEREAS, Specifically interested in civil rights, Ms. Cantu has been regional counsel since 1985 and has also served as national director of the Litigation and Advocacy Project for the Mexican American Legal Defense and Educational Fund and as a staff attorney on the Chicana Rights project; and

WHEREAS, A native of Brownsville, Texas, Norma Cantu graduated with honors from Brownsville High School in 1971 and graduated summa cum laude from Pan American University in 1973 with a bachelor of arts degree; and

WHEREAS, After teaching English in the Brownsville and San Antonio independent school districts, the industrious individual earned her law degree from Harvard Law School in 1977 at the age of 22; and

WHEREAS, After graduating from law school, Norma Cantu returned to Texas to join the Consumer Protection Division of the Texas Attorney General's Office where she was an intern for the Nursing Home Task Force investigating conditions and abuses of the elderly; and

WHEREAS, Recognized for her valuable contributions to Mexican Americans, Norma Cantu has received the appreciation of various city, state, and national organizations of Mexican American citizens; and

WHEREAS, Committed to helping provide a quality education for Mexican American children, the notable lawyer has been involved in desegregation and bilingual education lawsuits and has donated her time to

various community activities involved in the education of children; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby recognize Norma V. Cantu for her invaluable contributions to the Mexican American Legal Defense and Educational Fund and to the Mexican Americans in the State of Texas and extend best wishes to her in her new appointment; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the distinguished attorney as an expression of the esteem of the Texas Senate.

LUNA	BARRIENTOS
LUCIO	ROSSON
MADLA	TRUAN

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Luna was recognized and introduced to the Senate Norma V. Cantu.

The Senate welcomed Ms. Cantu and extended congratulations to her.

Senator Luna, joined by Senators Barrientos, Lucio, Madla, Rosson, and Truan, escorted Ms. Cantu to the President's rostrum to receive an enrolled copy of S.R. 526.

(Senator Shelley in Chair)

(President in Chair)

SENATE CONCURRENT RESOLUTION 1 ON SECOND READING

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 1, Urging the electronic benefit transfer project under the guidance of the citizens task force and the various cooperating state agencies to set 1995 as the goal for the statewide implementation of the electronic benefit transfer system.

The resolution was read second time and was adopted by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 160 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 160, Relating to the provision of mental health and rehabilitative services.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 160 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 160 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1013 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1013, Relating to abolishing the state lottery stabilization fund.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1013 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 1013 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1313 ON SECOND READING

Senator Bivins moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1313, Relating to the regulation of motor carriers; providing penalties.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Bivins offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 1313 in SECTION 4 of the bill, by striking proposed Subsection (f)(1) and substituting the following:

(f)(1) Notwithstanding any other provision of this Act, before granting an application by a disadvantaged business for a certificate, the Commission shall require that the applicant make a prima facie case that it is fit, willing, and able to perform the proposed service and to meet the requirements of this Act and the regulations the Commission adopts under this Act. If the applicant makes a prima facie case, the Commission shall grant the application unless an opposing party shows that the applicant is not fit, willing, and able to perform the proposed service and to meet the requirements of this Act and the regulations the Commission adopts under

this Act. In making a determination on granting the application, the Commission may not consider evidence presented by an opposing party that:

(A) does not show that the applicant is not fit, willing, and able to perform the service proposed and to meet the requirements of this Act and the regulations the commission adopts under this Act;

(B) shows that an opposing party or another carrier already adequately provides or could adequately provide the proposed service; or

(C) shows that a complaint has been or will be filed against the applicant for a violation of this Act, unless the complaint is in regard to a safety violation.

The committee amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend S.B. 1313 in Section 5 of the bill, by amending proposed Subsection 4A(g) as follows:

(g) Not later than the 30th day after the date the notice is published under Subsection (c) of this section, the Commission shall conduct a hearing and enter an interim order suspending or affirming a proposed rate, charge, or other provision for which a suspension petition has been filed as provided by subsection (d) of this section.

The committee amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend S.B. 1313 in Section 12 of the bill, by amending proposed Subsection 139(k) of Article 6701d, VTCS, as follows:

(k) A penalty recovered in a suit or an administrative proceeding brought under this section shall be deposited to the credit of the Motor Carrier Act enforcement ~~[state-highway]~~ fund.

The committee amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following committee amendment to the bill:

Committee Amendment No. 4

Amend S.B. 1313 in Section 1 of the bill, by amending proposed Subsection 1(k) as follows:

(k) "Truckload quantity" means a single shipment that:

(1) is transported for a single consignor who has exclusive use of the transporting vehicle; and

(2) weighs 25,000 pounds or more or constitutes a capacity load under tariffs, rules or regulations adopted by the commission."

The committee amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment

Amend S.B. 1313, SECTION 1, page 2, line 65, by adding the following sentence after the period in that line:

"A commercial zone in existence on April 1, 1993 that includes only part of a county is hereby enlarged to include all of such county."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Bivins and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1313 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1313 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

(Senator Harris of Dallas in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 177 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 177, Relating to tuition charged certain resident students at public institutions of higher education.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend C.S.S.B. 177 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subchapter B, Chapter 54, Education Code, is amended by adding Section 54.066 to read as follows:

Sec. 54.066. LIMITATIONS ON TUITION PAID AT RESIDENT RATES.

(a) Notwithstanding any other provision of law, each resident student not entered in a degree or dual degree program requiring more than 120 hours who has enrolled at a general academic teaching institution for a total of 158 or more semester credit hours of undergraduate instruction shall pay nonresident tuition for those credit hours in excess of 158.

(b) The limitation of 158 semester credit hours of undergraduate instruction at resident tuition shall not apply to a resident student who has declared a major requiring more than 120 hours. Such student shall notify the academic institution where the student is enrolled, that the student's degree program sought is a dual degree program, or a program requiring

more than 120 hours. Upon such notification the institution shall allow the student at resident tuition rates to take the amount of hours required to achieve the degree program sought and an additional 38 hours above the number of hours required for the declared degree program of the student. Resident students taking hours beyond 38 hours plus the number of hours required of a dual degree program, or an undergraduate degree program requiring more than 120 hours shall pay out-of-state, or non-resident tuition for those credit hours in excess of the degree requirement plus 38 hours.

(c) The Texas Higher Education Coordinating Board may by rule provide for hardship exceptions to this policy.

(d) In this section, "general academic teaching institution" has the meaning assigned by Section 61.003 of this code.

SECTION 2. Section 54.066, Education Code, as added by this Act, applies only to tuition that becomes due beginning with the fall semester in 1993. Tuition that became due before that semester is governed by the law in effect at the time the tuition became due, and that law is continued in effect for that purpose only.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 177 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 177 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Rosson.

COMMITTEE SUBSTITUTE SENATE BILL 726 ON SECOND READING

On motion of Senator Luna and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 726, Relating to the use by state agencies of biosolids derived from sludge.

The bill was read second time and was passed to engrossment by the following vote: Yeas 16, Nays 11.

Yeas: Armbrister, Barrientos, Ellis, Haley, Harris of Dallas, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Rosson, Sims, Truan, Turner, Wentworth.

Nays: Brown, Harris of Tarrant, Henderson, Leedom, Nelson, Ratliff, Shapiro, Shelley, Sibley, Whitmire, Zaffirini.

Absent: Bivins, Carriker, Parker, West.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 254 ON SECOND READING**

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 254, Relating to the representation of students on the governing boards of public university systems.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 254 ON THIRD READING**

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 254** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Harris of Dallas in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 400 ON SECOND READING**

Senator Harris of Tarrant moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 400, Relating to the regulation of debt collectors.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Leedom, Wentworth.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 400 ON THIRD READING**

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 400 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Leedom.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Leedom asked to be recorded as voting "Nay" on the final passage of the bill.

(President in Chair)

SENATE BILL 615 ON SECOND READING

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 615, Relating to a recreational facility fee at The University of Texas at El Paso.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 615 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 615** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 680 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 680, Relating to allowing a limited partnership to operate as a common carrier for the transportation by pipeline of certain materials.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 680 ON THIRD READING**

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 680** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 832 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 832, Relating to a recreational facility fee at The University of Texas at San Antonio.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 832 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 832** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1196 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1196, Relating to reporting procedures under Title 15, Election Code.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1196 ON THIRD READING

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1196** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1271 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1271, Relating to the establishment of an intercept program to increase the credit rating of certain local government debt and authorizing the comptroller of public accounts to withhold local government funds to pay such obligations under certain circumstances.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend C.S.S.B. 1271 as follows:

(1) Delete Section 271.091(2) (Committee Printing, page 1, lines 35-37) and substitute in lieu thereof the following:

(2) "Payment" means any sales tax allocation which is transferred by the state to the local government, excluding county sales taxes authorized pursuant to Chapter 285, 775, or 776, Health and Safety Code, and municipal sales taxes authorized pursuant to the Development Corporation Act (Article 5190.6, Vernon's Texas Civil Statutes).

(2) Delete Section 271.094 (Committee Printing, page 2, lines 14-38) and substitute in lieu thereof the following:

Sec. 271.094. NOTICE. DEPOSIT OF DEBT SERVICE, AUTHORIZATION, AND TRANSMITTAL. (a) If a local government enters into an agreement with the board under Section 271.092, the board on notification from the local government, the custodian bank, or the paying agent for the local government that the local government is unable or has failed to pay amounts as required by the agreement or to pay principal of or interest on the obligation when due, shall notify the comptroller, who shall withhold sufficient money from any payment to which such local government may be entitled and apply so much thereof as shall be necessary to pay the amounts then due as provided in this section.

(b) The local government may in the agreement agree to make monthly deposits of one-sixth of the semiannual debt service requirement, or such other amount at such other times as specified in the agreement, into an interest and sinking fund in a custodian bank. If a bank agrees to serve as custodian for the interest and sinking fund, it shall be the duty of the bank to notify the board if the agreed upon amount of funds is not deposited each month or other specified time on a timely basis as specified in the agreement.

(c) On receiving notification and direction from the board, the comptroller is authorized to withhold from any payment an amount equal to the amount to have been deposited by the local government pursuant to the agreement. The comptroller shall continue to withhold payments until the required amounts have been deposited in the interest and sinking fund with the custodian bank or with the paying agent. If the required amounts have not been deposited at the time interest on or principal of the obligation of the local government is required to be deposited pursuant to the agreement, the comptroller shall transmit, from payments withheld, the appropriate amount to the custodian bank or to the paying agent, as directed by the board.

(d) The board shall cause a copy of any notice given pursuant to this section to be promptly given to the local government.

(3) Add "(a)" between "PLEDGE PAYMENTS," and "The local" in Section 271.095 (Committee Printing, page 2, line 39) and the following Subsections (b) and (c) to Section 271.095 to read as follows:

(b) A pledge of payments pursuant to this subchapter is a first priority

for application of payments and the comptroller shall apply such payments as provided by this subchapter prior to applying such payments pursuant to any other authorization to withhold or intercept such payments.

(c) While obligations which are the subject of an agreement remain outstanding, the local government may not repeal the sales tax or reduce the rate of the sales tax below the rate that would provide the amount required by Subsection (a), except as provided by this subsection. If at an election duly held in accordance with law a majority of the qualified voters approve the repeal of the sales tax, the local government shall, at the earliest practicable time, refund or defease the obligations, and after such defeasance or refunding the repeal shall become effective in accordance with law. If the qualified voters vote to reduce the rate of the sales tax, if such is provided for by law, below that which is required to provide the amount required by Subsection (a), the local government shall, at the earliest practicable time, refund or defease the obligations, and after such defeasance or refunding the reduction in rate shall become effective in accordance with law.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1271 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1271 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 931 ON SECOND READING

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 931, Relating to the conveyance of certain real property in Navarro County; making an appropriation.

The bill was read second time.

Senator Sibley offered the following committee amendment to the bill:

Amend **S.B. 931** by:

1. Striking the words "or for development of recreational or community outreach programs" in SECTION 5; and,

2. Adding the following in SECTION 5:

"The commission shall not use the funds derived from the sale in such a manner as would require future appropriations for recurring expenditures."

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Sibley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 931 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 931 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 593 ON SECOND READING

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 593, Relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 593 ON THIRD READING

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 593 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 2.

Yeas: Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Present-not voting: Armbrister, Moncrief.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Armbrister and Moncrief asked to be recorded as "Present-not voting" on the final passage of the bill.

COMMITTEE SUBSTITUTE

SENATE BILL 681 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 681, Relating to the employees of certain state schools.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 681 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 681** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 33 WITH HOUSE AMENDMENT

Senator Ratliff called **S.B. 33** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend **S.B. 33** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to district offices of the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 6663h, Revised Statutes, is amended to read as follows:

Art. 6663h. DEPARTMENT DISTRICTS. (a) For the purposes of performing the department's duties, the commission shall divide the state into not more than 25 ~~[48]~~ districts. A district may not have more than one district office. The department may have as many offices for maintenance and construction personnel in a district as the commission determines necessary. The department is exempt from any law purporting to require the department to conform the provision of its services to service regions other than the districts established under this article.

(b) In determining the ~~[number and]~~ boundaries of a district, the commission shall consider all cost and benefit factors including the highway activity and the number of employees required to staff a proposed district.

(c) The commission shall periodically review the necessity for the ~~[number of districts and for the]~~ number of maintenance, construction, and support operations in each district and shall submit the findings of this review to the Legislative Budget Board as part of any budget request the department shall be required to file with that commission.

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Ratliff and by unanimous consent, the Senate concurred in the House amendment to S.B. 33 by a viva voce vote.

SENATE BILL 90 WITH HOUSE AMENDMENTS

Senator Truan called S.B. 90 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend Subsection 161.0211 (b) of S.B. 90 by deleting the language after the word "harmful" (page 1, line 14) and inserting the following words:

to the public health. Any findings or determinations from such investigations that relate to environmental exposures believed to be harmful to the public shall be reported in writing to the Texas Natural Resource Conservation Commission and the two agencies shall coordinate corrective measures as appropriate. The Department shall use generally accepted methods of epidemiology or toxicology in the conduct of an investigation.

Amendment No. 2

Amend Committee Amendment No. 1 of S.B. 90 by striking the last sentence.

Committee Amendment No. 2

Amend Subsection 161.0213 of S.B. 90 by inserting after the word "designee" (on page 2, line 6) the following words:
or the Texas Natural Resource Conservation Commission

Committee Amendment No. 3

Amend Subsection 161.0213 of S.B. 90 by inserting the following words after the word "investigation" (page 1, line 7):
of human illnesses or conditions and of environmental exposures that are harmful or believed to be harmful to the public health.

Floor Amendment No. 1 on Third Reading

Amend Subsection 161.0211 (b) of S.B. 90 reinstating the following sentence:

The Department shall use generally accepted methods of epidemiology or toxicology in the conduct of an investigation.

The amendments were read.

On motion of Senator Truan and by unanimous consent, the Senate concurred in the House amendments to S.B. 90 by a viva voce vote.

SENATE BILL 463 WITHDRAWN

On motion of Senator Madla and by unanimous consent, S.B. 463 was withdrawn from the Committee on Economic Development.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Finance might consider S.B. 1331 today.

MEMORIAL RESOLUTION

S.R. 530 - By Bivins: In memory of Charlotte L. Quackenbush of Amarillo.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 522 - By Barrientos: Congratulating Maggie Mae's of Austin on the occasion of its 15th anniversary.

S.R. 523 - By Barrientos: Welcoming a delegation from Adelaide, South Australia, to their sister city of Austin.

S.R. 524 - By Turner: Paying tribute to the Anderson County Courthouse, which has been a landmark in Anderson County for over 80 years.

S.R. 525 - By Ellis: Recognizing the Martin Luther King, Jr., Community Center in Houston on the occasion of its 25th anniversary.

S.R. 527 - By Madla: Recognizing the Texas State Junior Classical League and declaring April 3, 1993, as State Latin Day.

S.R. 528 - By Henderson: Congratulating Brent Dyer of Houston on achieving the rank of Eagle Scout.

S.R. 529 - By Henderson: Congratulating Ronald L. Lewis, Jr., of Houston on achieving the rank of Eagle Scout.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 12:58 p.m. adjourned until 10:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

March 31, 1993

CRIMINAL JUSTICE — S.B. 947, S.B. 1059, S.B. 678, C.S.S.B. 456, C.S.S.B. 749

HEALTH AND HUMAN SERVICES — C.S.S.B. 407, S.B. 558, S.B. 560

FINANCE — H.B. 995, C.S.S.B. 709

STATE AFFAIRS — C.S.S.B. 903, C.S.S.B. 842, C.S.S.B. 614,
S.B. 797, S.B. 1125, H.J.R. 3

HEALTH AND HUMAN SERVICES — C.S.H.B. 343

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY —
S.B. 885

INTERGOVERNMENTAL RELATIONS — H.B. 744

EDUCATION — S.C.R. 51, S.B. 807, S.B. 811, S.B. 705 (Amended),
S.B. 346 (Amended), C.S.S.B. 349, C.S.S.B. 1302

FINANCE — C.S.S.B. 1243

SENT TO GOVERNOR

(March 31, 1993)

S.C.R. 44

S.C.R. 54

S.C.R. 63

S.B. 92

S.B. 120

S.B. 121

S.B. 341

S.B. 372

S.B. 394

FORTY-SECOND DAY

(Thursday, April 1, 1993)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Parker.

A quorum was announced present.

Dr. Bob S. Bullock, Jr., Associate Pastor, Westlake Hills Presbyterian Church, Austin, offered the invocation as follows:

Almighty God, we give thanks that Your kind providence guides our lives. Your commitment to care about the details of our daily lives gives us the courage to fulfill our callings in life. We give thanks to You for the high calling to public service, for both